

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Thomas Jones Wise III
Brandy Lynn Wise
Debtor(s)

Bankruptcy Case No.: 15-23690-GLT
Issued Per 1/19/2017 Proceeding
Chapter: 13
Docket No.: 77 - 68
Concil. Conf.: January 19, 2017 at 11:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 13, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jan. 19, 2017 at 11:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: A Fee Application is needed if any fee (including retainer) exceeds \$4,000.00 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: January 20, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Thomas Jones Wise, III
 Brandy Lynn Wise
 Debtors

Case No. 15-23690-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

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 Total Noticed: 33

Date Rcvd: Jan 20, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 22, 2017.

db/jdb +Thomas Jones Wise, III, Brandy Lynn Wise, 4199 W. Roy Furman Highway,
 Waynesburg, PA 15370-7248
 14118797 +Amerifinancial Solution/ 24 On Physician, Po Box 65018, Baltimore, MD 21264-5018
 14118798 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, P.O. Box 982236, El Paso, TX 79998)
 14158258 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 14118799 +Bill Me Later, P.O. Box 5138, Lutherville Timonium, MD 21094-5138
 14118802 ++CHROME FEDERAL CREDIT UNION, P O BOX 658, CANONSBURG PA 15317-0658
 (address filed with court: Chrome Federal Credit, 45 Griffith Ave, Washington, PA 15301)
 14118800 +Capl/bstby, P.O. Box 30253, Salt Lake City, UT 84130-0253
 14118801 +Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 14141238 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14118803 +Collection Service / Wash Family Medicin, Attn:Collection Center, Po Box 14931,
 Pittsburgh, PA 15234-0931
 14118804 +Executive Services / Titanium Hilling, Executive Services, Po Box 2248,
 Wichita Falls, TX 76307-2248
 14118805 Gateway One Lending & Finance, 1601 Riverview Dr Ste 100, Anaheim, CA 92808
 14118806 +Harris / United Regional Health, Harris & Harris, Ltd., 111 W Jackson Blvd 400,
 Chicago, IL 60604-4135
 14162281 #+LPI Financial, 1044 Fordtown Road, Kingsport, TN 37663-3210
 14118808 Marla Hawkins Property Management, 102 North Avenue, Knox City, TX 79529
 14162224 +Midland Credit Management, Inc., as agent for MIDLAND FUNDING LLC, PO Box 2011,
 Warren, MI 48090-2011
 14118809 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Nationstar Mortgage LLC, Attn: Bankruptcy, 350 Highland Dr,
 Lewisville, TX 75067)
 14118810 +Onemain Financial, 2 North Main Street, Washington, PA 15301-4508
 14118811 +Recovery One / Dynowatt Consumer, 3240 Henderson Rd, Columbus, OH 43220-2300
 14166441 +UNIV OF PITTSBURGH PHYSICIANS, 6681 Country Club Drive, Golden Valley MN 55427-4601
 14118815 +W Central Texas Coll Bur / Radiology Asc, 1133 N Second St, Suite 101,
 Abilene, TX 79601-5829

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

+E-mail/Text: jennifer.macedo@gatewayonlending.com Jan 21 2017 01:44:02
 Gateway One Lending & Finance, 160 N. Riverview Dr., # 100, Anaheim, CA 92808-2293
 cr E-mail/PDF: rmscedi@recoverycorp.com Jan 21 2017 01:37:30
 Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120,
 Miami, FL 33131-1605
 14159555 +E-mail/Text: bncmail@w-legal.com Jan 21 2017 01:44:50 Comenity Capital Bank,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 14126565 +E-mail/Text: jennifer.macedo@gatewayonlending.com Jan 21 2017 01:44:02
 Gateway One Lending & Finance, 160 N Riverview Drive, Ste 100, Anaheim, CA 92808-2293
 14118807 +E-mail/Text: bankruptcy@icsystem.com Jan 21 2017 01:45:06 IC System / Pediatric Dentistry,
 Attn: Bankruptcy, 444 Highway 96 East, Po Box 64378, St. Paul, MN 55164-0378
 14167917 +E-mail/PDF: cbp@onemainfinancial.com Jan 21 2017 01:37:03
 OneMain Financial Group, LLC As Servicer For Wells, 6801 Coldwell Blvd, Mail Stop: NTSB: 1310,
 Irving, TX 75039-3198
 14175370 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 21 2017 01:57:53
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14120412 E-mail/PDF: rmscedi@recoverycorp.com Jan 21 2017 01:37:18
 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,
 Miami, FL 33131-1605
 14118812 +E-mail/PDF: gecsed@recoverycorp.com Jan 21 2017 01:37:28 Synchrony Bank/Amazon,
 Attn: Bankruptcy, Po Box 103104, Roswell, GA 30076-9104
 14118813 +E-mail/PDF: gecsed@recoverycorp.com Jan 21 2017 01:37:01 Synchrony Bank/PayPal Cr,
 Attn:Bankruptcy, Po Box 103104, Roswell, GA 30076-9104
 14118814 +E-mail/Text: txu_legal_collections@txu.com Jan 21 2017 01:45:00 Txu Electric/TXU Energy,
 Attention: Bankruptcy, Po Box 650393, Dallas, TX 75265-0393
 14118816 +E-mail/Text: bnc-bluestem@quantum3group.com Jan 21 2017 01:45:11 Webbank/fingerhut,
 6250 Ridgewood Rd, Saint Cloud, MN 56303-0820

TOTAL: 12

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Nationstar Mortgage LLC
 14175190* ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Nationstar Mortgage LLC, P.O. Box 619096, Dallas, TX 75261-9741)
 TOTALS: 1, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-2

User: dbas
Form ID: 149

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Total Noticed: 33

Date Rcvd: Jan 20, 2017

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 22, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 20, 2017 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor Nationstar Mortgage LLC agornall@goldbecklaw.com,
bkgroup@goldbecklaw.com/bkgroup@kmlawgroup.com
David A. Rice on behalf of Debtor Thomas Jones Wise, III ricelaw1@verizon.net,
lowdenscott@gmail.com
David A. Rice on behalf of Joint Debtor Brandy Lynn Wise ricelaw1@verizon.net,
lowdenscott@gmail.com
James Warmbrodt on behalf of Creditor Nationstar Mortgage LLC bkgroup@kmlawgroup.com
Joshua I. Goldman on behalf of Creditor Nationstar Mortgage LLC bkgroup@kmlawgroup.com
Kevin Scott Frankel on behalf of Creditor Nationstar Mortgage LLC pabk@logs.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Scott R. Lowden on behalf of Debtor Thomas Jones Wise, III niclowlgl@comcast.net
Scott R. Lowden on behalf of Joint Debtor Brandy Lynn Wise niclowlgl@comcast.net
William E. Craig on behalf of Creditor Gateway One Lending & Finance
mortonlaw.bccraig@verizon.net, donnal@mortoncraig.com/mhazlett@mortoncraig.com

TOTAL: 11